REMARKS

Claims 1, 2, 4-11, 13-17, 19 and 20 are pending. By this Amendment, claims 1, 2, 4-11, 13, 14, 16, 17, 19 and 20 are amended, and claims 3, 12 and 18 are cancelled. The claims are amended for consistency (for example, they are amended so that "advertising data" is used consistently throughout the claims and they are amended to change "rate" to "charge" so as to be consistent with the specification) and to even more clearly distinguish over the applied references. Support for the amendments can be found throughout the specification. In addition, the features of claims 3, 12 and 18 have been placed into their corresponding independent claims 1, 9 and 16. Thus, no new matter is added by the above amendments.

Claim 12 stands rejected under 35 U.S.C. §112, second paragraph. The claim 12 feature, now present in claim 9, has been amended to recite "placing charge" instead of "displaying charge" so as to be consistent with original claims 3 and 18. Support for this amendment can be found in the specification. The features of these claims, as placed into claims 1, 9 and 16, have been further revised consistent with specification paragraphs [0037] and [0038] and original claim 16 to clarify that the "placing charge" is charged to a provider of the contents of the web page, who may be an entity other than the provider of the advertising data. Withdrawal of the rejection is requested.

Claims 1, 2, 7-10 and 14-17 stand rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,954,728 to Kusumoto et al. In addition, claims 3, 12 and 18 (whose features have been placed into independent claims 1, 9 and 16) stand rejected under 35 U.S.C. §103(a) over Kusumoto et al. These rejections are respectfully traversed.

With respect to independent claims 1, 9 and 16, Kusumoto et al. does not disclose or suggest raising an advertising charge as the number of accesses increases and reducing a placing charge as the number of accesses increases. Applicant respectfully submits that the

Office Action relies on impermissible hindsight and disagrees with the reasoning set forth on page 4 of the Office Action regarding why it allegedly would have been obvious to lower the placing charge as the number of accesses increases. The Office Action asserts that it would have been obvious to decrease the placing charge because decreasing the placing charge "would give the web page provider incentive to drive more traffic to the website." No reference is provided by the Office Action to support its alleged basis for obviousness, and thus the Office Action improperly relies upon impermissible hindsight. Moreover, because reducing the placing charge reduces the fees that the "provider of the web page contents" owes (to the claim 1 server computer, to the claim 16 controller or in the claim 9 method), the entity setting the placing charge would not have been motivated to reduce the placing charge. Because the Office Action's reasoning is defective, and the Office Action acknowledges that Kusumoto et al. does not disclose a placing charge (and thus does not disclose or suggest varying the placing charge), Applicant respectfully submits that claims 1, 9 and 16 are patentable over Kusumoto et al.

With respect to independent claims 7 and 14, Applicant respectfully submits that Kusumoto et al. does not disclose or suggest sending accounting data that indicates a cost associated with the advertising data, the cost varying according to a time period when the advertising data is transmitted to the first computer, which in Applicant's claims is the computer requesting the advertising data (that is, the user computer, not the advertiser's computer). As described, for example, in connection with Applicant's Fig. 7 and paragraphs [0031] and [0041] - [0043], the consumer (not the advertiser) receives accounting data in some embodiments of the systems disclosed in Applicant's application. Kusumoto et al. does not disclose or suggest providing accounting data as recited in claims 7 and 14 to the computers that request advertising data. Accordingly, claims 7 and 14, along with their

dependent claims, are patentable over Kusumoto et al.

Withdrawal of the rejections based upon Kusumoto et al. is respectfully requested.

Claim 13 stands rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,720,873 to Goodman et al. This rejection is respectfully traversed.

Independent claim 13 recites that an advertising charge table is provided from a server computer to a source of advertising data (for example, the advertiser), the advertising charge table having advertising charges that are set according to a time of day when the advertising data is transmitted to users. Claim 13 further recites that the advertising data is received from the source and the source is charged according to the advertising charge table, and then the received advertising data is provided to users through a communication network. Goodman et al. does not disclose or suggest this combination of features.

In Goodman et al., a satellite audio broadcasting system transmits material, including advertising material, and keeps track of whether subscribing stations are on line (broadcasting the material) or off line (not broadcasting the material). The system then determines a fee that is due by the advertiser based upon whether the advertising material was transmitted. In determining the fee that is due, Goodman et al. indicates that the satellite audio broadcasting system uses a pre-stored fee table for each station which can include "multi-level rates for different times of day if applicable." See col. 12, lines 17-20 cited by the Examiner and col. 12, lines 37-60. While the satellite broadcasting system in Goodman et al. uses this table, there is no disclosure or suggestion that the system of Goodman et al. provides the advertising charge table to the source of the advertising data. Withdrawal of the rejection is requested.

Claims 4, 6, 11 and 19 stand rejected under 35 U.S.C. §103(a) over Kusumoto et al. in further view of U.S. Patent No. 6,269,361 to Davis et al. This rejection is respectfully traversed.

These claims are patentable for at least the reasons set forth above with respect to their corresponding independent claims. In addition, Applicant respectfully submits that neither Kusumoto et al. nor Davis et al. discloses setting the advertising charge according to a geographical area (or location) for which the advertising data is provided, as now recited in claims 6, 11 and 19. Withdrawal of the rejection is requested.

Claim 5 stands rejected under 35 U.S.C. §103(a) over Kusumoto et al. in view of Davis et al., and further in view of U.S. Patent No. 6,421,675 to Ryan et al. In addition, claim 20 stands rejected under 35 U.S.C. §103(a) over Kusumoto et al. in view of Ryan et al. These rejections are respectfully traversed.

Neither Kusumoto et al., Davis et al. nor Ryan et al. discloses or suggests an arrangement in which the amount of advertisement space is changed according to a number of accesses to the advertising data, as recited in claims 5 and 20. Accordingly, claims 5 and 20 are patentable for this reason in addition to the reasons set forth above with respect to their corresponding independent claims. Withdrawal of the rejections is requested.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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